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Paper No. 9

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In re Application of:
Leonard J. Srnka.
Serial No.: 09/656,191
Filed: September 6, 2000
For: REMOTE RESERVOIR
RESISTIVITY MAPPING

DECISION ON PETITION
UNDER 37 C.F.R. § 1.313(a)

This is a decision on the “PETITION FOR WITHDRAWAL FROM ISSUE-ISSUE FEE NOT PAID” filed June 25, 2002. Applicant requests that the above-referenced application be withdrawn from issue for consideration of prior art references listed in an information disclosure statement filed concurrently with the petition. As noted, the petition was filed prior to the payment of the Issue Fee. Thus, the petition is being treated under 37 C.F.R. § 1.313(a).

The petition is **DENIED**.

37 C.F.R. § 1.313(a) states in part:

“Applications may be withdrawn from issue for further action at the initiative of the Office or upon petition by the applicant. To request that the Office withdraw an application from issue, applicant must file a petition under this section including the fee set forth in § 1.17(h) and a showing of good and sufficient reasons why withdrawal of the application is necessary.”

As such, a grantable petition requesting withdrawal of an application from issue must be accompanied by: (1) a showing of good and sufficient reasons why withdrawal of the application from issue is necessary; and (2) the requisite petition fee under 37 C.F.R. § 1.17(h). The requisite petition fee has been charged to Deposit Account No. 5-1328.

However, the petition does not set forth good and sufficient reasons as to why withdrawal of the application is necessary. The mere submission of an information disclosure statement with the petition does not make withdrawal of the application from issue necessary. Applicant makes no allegation that any of the allowed claims are unpatentable and that the withdrawal of the application from issue is necessary to prevent issuance of a patent with an unpatentable claim, or claims. Lacking any allegation that one or more of the allowed claims are unpatentable, including any supporting evidence, withdrawal of the application from issue pursuant to 37 C.F.R. § 1.313(a) is not available. If applicant wishes the consideration of the information disclosure statement, a request for continued examination (RCE) under 37 C.F.R. § 1.114 is an available option.

Any inquiries regarding this decision should be directed to Edward Westin at (703) 308-4823.


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